

LSI Docket No. 03-0421

Remarks/Arguments

In the non-final Office Action mailed on 5 November 2004, the Examiner objected to the title as not descriptive, rejected claims 1-10, 13-19, and 21-27 under 35 U.S.C. §102(b) as anticipated by Nowak (United States Patent Number 6,121,755), and rejected claims 11, 12, and 20 under 35 U.S.C. §103(a) as unpatentable over Nowak in view of Patis (United States Patent Number 4,350,885).

Applicant has amended various claims and cancelled other claims to overcome the Examiner's rejections and has amended the title to overcome the Examiner's objection to the specification.

Objection to the Specification

The Examiner objected to the title as not descriptive. Applicant respectfully submits that the title as filed seems precisely descriptive of the invention which comprises systems and methods for determining or evaluating the charge of a battery. That said, in hopes of advancing the prosecution of this patent, Applicant has amended the title to include reference to the optical properties of the battery electrolyte.

In view of this amendment to the title, Applicant respectfully requests reconsideration and withdrawal of the Examiner's objection to the specification.

§102 and §103 Rejections

The Examiner rejected remaining independent claims 1, 14 and 21 under 35 U.S.C. §102(b) as anticipated by Nowak (independent claims 26 and 27 have been cancelled). Applicant has amended these remaining independent claims to clarify a key distinction over the prior art of record – namely: the use of a CCD (charge coupled device) as an optical element to determine the charge state of the battery based on the location of the light impinging the CCD.

This CCD feature was recited in original claim 10 (and other dependent claims) but the Examiner's rejection does not specifically note any teaching in Nowak of this feature. In fact, nothing in Nowak or any art of record (considered individually or in any

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combination) teaches or reasonably suggests this claimed feature. The Examiner's rejection of claims 1-10, 13-19, and 21-27 broadly dismissed several dependent claims (including, for example, claim 10) without specifically finding such a teaching in Nowak or in the general knowledge of those skilled in the art.

Applicant maintains that claim 10 as originally filed was neither taught nor reasonably suggested by any of the art of record (considered individually or in any combination). The features of claim 10 have been essentially incorporated into independent claims 1, 14 and 21. Independent claims 1, 14 and 21 are therefore maintained to be allowable as was original claim 10 maintained to be allowable. Claims 8-10, 18-20, 24, 26 and 27 have been cancelled. Remaining dependent claims 2-7, 11-13, 15-17, and 22-23 are maintained to be allowable for at least the same reasons and as dependent from allowable base claims.

In view of the amendments, Applicant respectfully requests reconsideration and withdrawal of all rejections of remaining claims 1-7, 11-17, 21-23 and 25.

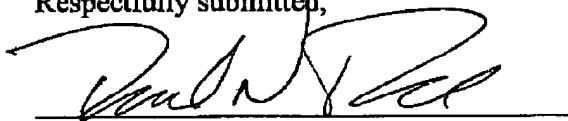
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Conclusion

Applicant has amended the title to overcome the Examiner's objection to the specification. Applicant has amended claims 1, 14 and 21 to overcome the Examiner's rejections and has cancelled claims 8-10, 18-20, 24, 26, and 27 to advance prosecution of the subject application. Applicant has respectfully requested reconsideration and withdrawal of all outstanding objections and rejections.

No additional fees are believed due. Should any issues remain, the Examiner is encouraged to telephone the undersigned attorney.

Respectfully submitted,



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